

Court of Appeals, State of Michigan

ORDER

People of MI v Adam Joseph Gross

Docket No. 291126

LC No. 07-002739-FH

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application for leave to appeal, the Court, pursuant to MCR 7.205(D)(2), VACATES defendant's sentence and REMANDS for further proceedings consistent with *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). The trial court shall first determine whether defendant pleaded guilty pursuant to the agreement that he would be sentenced at the bottom or at the bottom 1/3 of the applicable guidelines' minimum sentence range and then either sentence defendant in accordance with that agreement or allow him the opportunity to withdraw his plea.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 12 2009

Date

Sandra Schultz Mengel
Chief Clerk